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FENNEMORE CRAIG
A Professional Corporation
Patrick J. Black (No. 017141)
2394 East Camelback Rd, Suite 600
Phoenix, Arizona 85016
Telephone (602) 916-5000

2013 OCT 15 P 4 14

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 15 2013

Attorneys for Bella Vista Water Company, Inc.

DOCKETED BY

[Signature]

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF BELLA VISTA WATER COMPANY, INC.
FOR AN EXTENSION OF AN EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN COCHISE COUNTY, ARIZONA

DOCKET NO. W-02465A-13-0207

**NOTICE OF FILING
CERTIFICATION OF
PUBLICATION AND PROOF OF
MAILING**

Pursuant to the Procedural Order dated September 6, 2013, Bella Vista Water Company, Inc. (now known as Liberty Utilities (Bella Vista Water) Corp.) ("Applicant") hereby submits this Notice of Filing Certification of Publication and Proof of Mailing in the above-captioned matter.

On October 4, 2013, notice regarding the hearing set for November 6, 2013 was published in the *Sierra Vista Herald* and the *Bisbee Daily Review*. The affidavit of Pamela M. McElry, Agent to the Publisher, is attached as **Exhibit 1**.

On September 12, 2013, Applicant mailed notification to the property owner, K Ranch, LLC. The affidavit of Christopher D. Krygier is attached as **Exhibit 2**.

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1 RESPECTFULLY SUBMITTED this 15th day of October, 2013.

2 FENNEMORE CRAIG, P.C.

3
4 By: 

5 Patrick J. Black
6 Attorneys for Bella Vista Water Company,
7 Inc.

8 **ORIGINAL** and 13 copies filed
9 this 15th day of October, 2013 with:

10 Docket Control
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 **COPY** of the foregoing emailed/mailed
15 this 15th day of October, 2013 to:

16 Jane Rodda, ALJ
17 Hearing Division
18 Arizona Corporation Commission
19 400 West Congress
20 Tucson, Arizona 85701-1347

21 **COPY** of the foregoing hand-delivered
22 this 15th day of October, 2013 to:

23 Matthew Laudone, Esq.
24 Bridget Humphrey, Esq.
25 Legal Division
26 Arizona Corporation Commission
 1200 West Washington Street
 Phoenix, Arizona 85007

27 By: 

EXHIBIT

1

STATE OF ARIZONA)
COUNTY OF COCHISE)

AFFIDAVIT OF PUBLICATION

PAMELA M. MCELRY

[Signature] being first
duly sworn, deposes and says: That (he) (she) is the Agent to the Publisher of the
SIERRA VISTA HERALD and the BISBEE DAILY REVIEW newspapers printed and
published seven days a week in the County of Cochise, State of Arizona, and of general
circulation in the cities of Sierra Vista and Bisbee, County of Cochise, State of Arizona
and elsewhere, and hereto attached

PUBLIC NOTICE
BELLA VISTA WATER
COMPANY, INC
DOCKET NO.
W-02465A-13-0207

was printed and published correctly in the regular and entire issue of said SIERRA VISTA
HERALD and BISBEE DAILY REVIEW for ¹ issues, that the first was
made on the 4th day of OCTOBER 20 13
and the last publication thereof was made on the 4th day of
OCTOBER 20 13 that said publication
was made on each of the following dates, to wit:

10/04/13

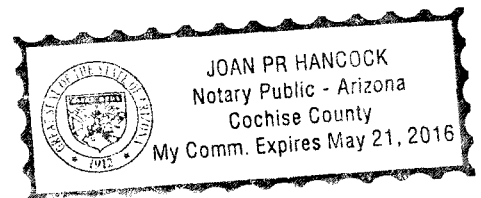
Request of FENNEMORE CRAIG

SIERRA VISTA
HERALD
BISBEE DAILY
REVIEW

By

[Signature]

Subscribed sworn to before me this 4th day of OCTOBER
20 13



Notary Public in and for the County of Cochise, State of Arizona

My Commission Expires:

5/21/14

PUBLIC NOTICE

PUBLIC NOTICE OF HEARING ON APPLICATION BY BELLA VISTA WATER COMPANY, INC. FOR EXTENSION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY DOCKET NO. W-02465A-13-0207

On June 26, 2013, Bella Vista Water Company, Inc. ("Company") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide water utility service to a development consisting of 236 acres that is part of a larger development known as Kings Ranch at Coronado, located in Cochise County, Arizona. If the application is granted, the Company would be the exclusive provider of water service within the requested extension area, and would be required to provide service on the terms and conditions as established by the Commission. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the Company's application and the Commission is not bound by the proposals made by the Company, Staff or intervenors. The Commission will issue a Decision regarding the Company's application following consideration of testimony, and evidence presented at an evidentiary hearing.

How to Obtain a Copy of the Application

Copies of the application, Staff Report, and any written objections to the Staff Report filed by the Company will be available at the Company's office, 4055 Campus Dr., Sierra Vista, Arizona 85635; the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona; the Commission's Tucson office at 400 West Congress Street, Suite 218, Tucson, Arizona 85701; and on the internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Public Hearing Information
The Commission will hold a hearing on this matter on November 6, 2013, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's Tucson offices, Room 222, 400 West Congress Street, Tucson, Arizona, 85701.

Public comments will be taken at the beginning of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-02465A-13-0207 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, Arizona, 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at (800) 222-7000 or (520) 628-6550.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Company or its counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Company; a member or shareholder of the Company, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 15, 2013. If

representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/intervenor.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing; and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail

SABernal@azcc.gov, voice phone number (602) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

PUBLISH: October 4, 2013.

EXHIBIT

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AFFIDAVIT OF CHRISTOPHER D. KRYGIER

Christopher D. Krygier, being duly sworn, deposes and says:

1. I am a resident of Maricopa County, over 18 years of age, and make this affidavit based on my own personal knowledge.

2. I am Utility Rates and Regulatory Manager for Bella Vista Water Company (now known as Liberty Utilities (Bella Vista Water) Corp.) ("Applicant").

3. Pursuant to the Procedural Order dated September 6, 2013, on September 12, 2013 Applicant mailed to the property owner, K Ranch, LLC, notification regarding the hearing set to begin on November 6, 2013 on Applicant's request for an extension of its Certificate of Convenience and Necessity. See **Exhibit A** attached hereto.

4. In accordance with the Procedural Order, Applicant files this affidavit of mailing.

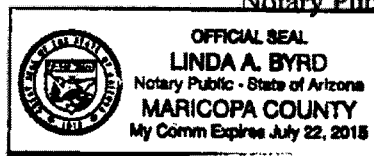
Christopher D. Krygier 10/15/13
Christopher D. Krygier

SUBSCRIBED and sworn to before me this 15th day of October, 2013.

Linda A. Byrd
Notary Public

My Commission Expires:

July 22, 2015
8547094.1/035227.0030



EXHIBIT

A



Liberty Utilities

12725 W. Indian School Rd.
Suite D101
Avondale, AZ 85392
Phone: (623) 935-9367
Fax: (623) 935-1020

LETTER OF TRANSMITTAL

DATE: 9/12/13

ATTN: Karol George

RE: Kings Ranch

TO: K Ranch, LLC
1601 Paseo San Luis, Suite 202
Sierra Vista, AZ 85635

The Following Items Are Forwarded To You: () Attached () Under Separate Cover

- ☐ Bid Package ☐ Copy of Letter ☐ Shop Drawings ☐ Specifications
☐ Change Order ☐ Plans/Prints ☐ Other _____

COPIES	NO.	DESCRIPTION
1		Copy of the Procedural Order
1		Public Notice of Hearing

These Are Transmitted As Checked Below:

- ☐ For signature ☒ For your use
☐ Approved as submitted ☐ For review and comment
☐ Approved as noted ☐ Prints returned after loan
☐ Re-submit _____ copies for approval ☐ Submit _____ copies for distribution
☐ FOR BIDS DUE _____ ☐ As requested

Remarks:

Please see the attached regarding the CC&N Extension to include Kings Ranch.

Thank you.

Copy To: _____ Signed: Julie Baldwin

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF THE APPLICATION OF
BELLA VISTA WATER COMPANY, INC. FOR
AN EXTENSION OF AN EXISTING
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE WATER SERVICE IN
COCHISE COUNTY ARIZONA.

DOCKET NO. W-02465A-13-0207

PROCEDURAL ORDER

BY THE COMMISSION:

On June 26, 2013, Bella Vista Water Company, Inc. ("BVWC" or "Company") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("CC&N" or "Certificate") to provide water utility service in a portion of Cochise County, Arizona.

On July 25, 2013, the Commission's Utilities Division ("Staff") notified the Company that its application did not meet the sufficiency requirements outlined in the Arizona Administrative Code ("A.A.C.").

On August 28, 2013, Staff notified the Company that its application is sufficient under A.A.C. R14-2-402.

Accordingly, the matter should be set for hearing.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **November 6, 2013, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, **Room 222**, 400 West Congress St., Tucson, Arizona 85701.

IT IS FURTHER ORDERED that BVWC shall serve public notice of the hearing in this matter, in the following form and style, with the heading in no less than 12 point bold type and the body in no less than 10 point regular type:

PUBLIC NOTICE OF HEARING ON APPLICATION BY
BELLA VISTA WATER COMPANY, INC.
FOR EXTENSION OF ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY
DOCKET NO. W-02465A-13-0207

On June 26, 2013, Bella Vista Water Company, Inc. ("Company") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity ("Certificate") to provide water utility service to a development consisting of 236 acres that is part of a larger development known as Kings Ranch and Coronado, located in Cochise County, Arizona. If the application is granted, the Company would be the exclusive provider of water service within the requested extension area, and would be required to provide service on the terms and conditions as established by the Commission. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding the Company's application and the Commission is not bound by the proposals made by the Company, Staff or intervenors. The Commission will issue a Decision regarding the Company's application following consideration of testimony, and evidence presented at an evidentiary hearing.

How to Obtain a Copy of the Application

Copies of the application, Staff Report, and any written objects to the Staff Report filed by the Company will be available at the Company's office [COMPANY INSERT ADDRESS]; the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona; the Commission's Tucson office at 400 West Congress Street, Suite 218, Tucson, Arizona 85701; and on the internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Public Hearing Information

The Commission will hold a hearing on this matter on **November 6, 2013, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Tucson offices, **Room 222, 400 West Congress Street, Tucson, Arizona 85701.**

Public comments will be taken at the beginning of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-02465A-13-0207 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by email. For a form to use and instructions on how to e-mail comments to the Commission, go to <http://www.azcc.gov/divisions/utilities/forms/PublicCommentForm.pdf>. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or (520) 628-6550.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicant or its counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of

the Applicant, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 25, 2013. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

ADA/ Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail SABernal@azcc.gov, voice phone number 602/542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that BVWC shall mail to each property owner in the requested extended service territory, a copy of this notice by first-class U.S. Mail, and shall cause the above notice to be published at least once in a newspaper of general circulation in the proposed extension area, with publication and mailing to be completed no later than **October 4, 2013**.

IT IS FURTHER ORDERED that BVWC shall file certifications of mailing and publication as soon as practicable after the mailing is completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication, notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that the **Staff Report and any associated exhibits** to be presented at hearing shall be reduced to writing and filed on or before **October 4, 2013**.

IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to writing and filed on or before **October 25, 2013**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **October 15, 2013**.

IT IS FURTHER ORDERED that any **objections to Motions to Intervene** shall be filed on or before **October 25, 2013**.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) applies to this proceeding as the matter is now set for public hearing.

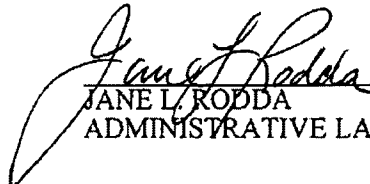
3 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
4 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

5 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the
6 Rules of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and
7 admission *pro hac vice*.

8 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
9 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
10 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
11 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
12 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
13 Law Judge or Commission.

14 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
15 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

16 DATED this 4th day of September, 2013.


JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

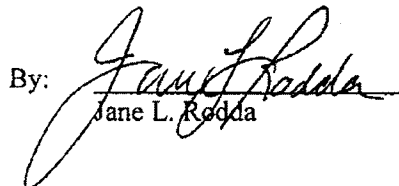
17
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20 Copies of the foregoing mailed
this 4th day of September, 2013 to:

21 Mr. Patrick J. Black
22 FENNEMORE CRAIG
23 2394 East Camelback Rd., Suite 600
Phoenix, AZ 85016
Attorney for Bella Vista Water Company

24 Ms. Janice Alward, Chief Counsel
25 Legal Division
26 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Mr. Steve Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, Arizona 85004-1104

By: 
Jane L. Rodda

**PUBLIC NOTICE OF HEARING ON THE APPLICATION OF
BELLA VISTA WATER CO., FOR AN EXTENSION OF AN
EXISTING CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER UTILITY SERVICE IN COCHISE COUNTY, ARIZONA
DOCKET NO. WS-02465A-13-0207**

On June 26, 2013, Bella Vista Water Company, Inc. ("Applicant") filed an application with the Arizona Corporation Commission ("Commission") for an extension of its Certificate of Convenience and Necessity. If the application is granted the Applicant would be the exclusive provider of water service within the requested area, and would be required to provide service on the terms and conditions as established by the Commission.

The application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and in Tucson, at 400 West Congress Street Suite 218, Tucson, Arizona, and at the offices of the Applicant, 4055 Campus Dr., Sierra Vista, Az 85635. The application is also available on the Commission's website, www.azcc.gov, using the e-Docket link.

The Commission will hold a hearing on this matter beginning **November 6, 2013, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Tucson offices, Room 222, 400 West Congress Street, Tucson, Arizona 85701. Public comment will be taken on the first day of the hearing. Written public comments may be submitted via email (visit http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf for instructions), or by mailing a letter referencing Docket Number WS-02465A-13-0207 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at (800) 222-7000, or in Tucson at (520) 624-6550.

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicant or its counsel and to all parties of record. The motion must, at the minimum, contain the following:

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2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before October 15, 2013. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.

If you have any questions about this application, you may contact Applicant at 4055 Campus Dr., Sierra Vista AZ, 85635. If you want further information on intervention or have questions on how to file comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000, or in Tucson at (520) 624-6550.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602/542-3931, E-mail: SABernal@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.